

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
TULSA DIVISION
Magistrate: Hon. Gregory K. Fizzell**

ATTORNEY GENERAL OF THE STATE)
OF OKLAHOMA, et al.,)

Plaintiffs,)

v.)

TYSON FOODS, INC., et al.,)

Defendants.)

CASE NO.: 05-cv-329-GKF(SAJ)

AFFIDAVIT OF DANIELLE QUIST

BEFORE ME, the undersigned authority, personally appeared Danielle Quist, who is known to me and who, being duly sworn, does swear and affirm as of the date hereof as follows:

1. My name is Danielle Quist. I am over the age of 18 years and have personal knowledge of the matters set forth herein.
2. I am employed by the American Farm Bureau Federation ("AFBF") as the Assistant General Counsel for Public Policy. My responsibilities include assisting in providing legal guidance to AFBF staff and management in implementing policy and regulatory programs that affect farmers and ranchers in accordance with the policies established by AFBF's voting delegates and implemented by AFBF's Board of Directors.
3. AFBF is this nation's largest non-profit general farm organization representing family farmers who produce and raise every type of agricultural crop and commodity in the nation. AFBF is a federation of fifty State Farm Bureaus and Puerto Rico whose members include family farmers in their respective states and Puerto Rico.

AFBF and State Farm Bureau's members are independent businesses and not employees of Defendants or other integrated agricultural businesses.

4. AFBF's primary function is to advance and promote the interests and betterment of farming, the farming community and the individual families engaged in farming. The scope of this effort includes advancing, promoting and protecting the economic, business, social and educational interests of farmers across the United States, as well as participating in reasonable and authorized environmental regulation.

5. Both Oklahoma Farm Bureau Federation and Arkansas Farm Bureau Federation are members of AFBF, with members in each state who are poultry growers within the Illinois River Watershed ("IRW"). The size and scale of member poultry operations within the IRW ranges widely. Most are under a grower contract with one or more of the Defendant integrators; a few are independent. Moreover, some members are engaged in the application of poultry litter for the purposes of fertilization of crops and forage raised on their own farms and would attest to a benefit to those crops.

6. In the case at bar, Plaintiffs' Motion for Preliminary Injunction and Integrated Brief in Support Thereof captured the attention of AFBF's members. The effort to file this amicus brief is consistent with AFBF policy and strongly supported by its members due to the immediate implications to the poultry farming community and the greater legal precedent potentially applicable to the livestock/animal agriculture community.

7. AFBF members believe that judicial involvement in this already-complex environmental issue would be unwise, unnecessary, and contrary to their interests. As the

third major lawsuit of its kind (including prior cases in Tulsa, OK and Waco, TX), a broad-ranging injunction of the type the Plaintiff seeks may serve as a bellwether to other courts and plaintiffs around the country. Importantly, it may impact the ability of livestock/animal producers to lawfully utilize and sell manure and chicken litter as a valuable fertilizer. Instead, the Court should refrain from such judicial entanglement because federal and state legislative and administrative bodies are already well-entrenched in the issue.

8. Moreover, federal judicial involvement is unnecessary. The Plaintiff has ample opportunity to ensure redress of any alleged environmental concerns stemming from the land-application of poultry litter through existing avenues. Livestock/animal production is highly regulated via the Clean Water Act and state laws. The Plaintiff's attempts to dodge those established avenues should not be allowed, due to the potential impact upon, among others, the members of AFBF. The Court should abstain from exercising jurisdiction in this case and refuse to sanction Plaintiff's effort to fractionalize the regulation of the poultry industry.

FURTHER AFFIANT SAYETH NOT.


Danielle Quist

Subscribed and sworn to before me, this 14 day of February, 2008.


NOTARY PUBLIC

My commission expires: 6/30/2011

